

9 October 1974

MEMORANDUM FOR THE RECORD

SUBJECT: Conversation with Bill Harris, Murphy Commission Staff

1. I received a call from Bill Harris, of the Murphy Commission staff, who said he wanted to talk over a possible freedom of information problem with me. He said he was concerned about the status of the "Lindsey study" which was prepared in the time frame between 1966 and 1968 and submitted to President-elect Nixon prior to his inauguration in 1968.
2. Mr. Harris has received a copy of this report and has been maintaining it in a safe depository in the Executive Office Building along with their classified materials. While the document is not classified he feels it should not be released to the public and is concerned that a demand could be made for it under the Freedom of Information Act if its existence became known to the wrong person.
3. Mr. Harris said he checked and found that the Agency never received a copy of this report but the original had gone to the President and, as far as he knew, was still in President Nixon's personal papers. He went on to say that the paper was a private document and no one who participated in it had the authority to classify it. Nevertheless, he feels that in its entirety it should be classified. When I pressed him on this question of classification he said it probably technically was not classified but in his opinion warranted classification nevertheless.
4. I brought up the question of its status as a Presidential document, which would exempt it from publication under the Freedom of Information Act, and Harris said he shuddered at the prospect of an issue being raised in court over executive privilege over this report. I told him I thought the issue of classification might be equally difficult. However, I said I would discuss this with some of our people and be back in touch with him.

5. After conferring with John Warner, General Counsel, and my own staff, I suggested to Harris, through [] of IC Staff, that while I was in no position to make an official recommendation to him, I thought his earlier thought of returning this to Frank Lindsey where it is handled as a classified document in his ITEK vault would be perhaps the best temporary expedient. I told him our people were going to look into this also because there is some feeling that if the question was formally raised with the Agency, we might still be in a position to classify the document. [] DGC, will follow up on this.

STATINTL

STATINTL

STATINTL

Distribution:

Original - Subject

1 - OGC

1 - [] IC Staff

1 - OLC Chrono

STATINTL

Outline for Meeting
October 8, 1974

LEGAL AUTHORITY FOR THE CONDUCT AND CONTROL OF FOREIGN INTELLIGENCE ACTIVITIES

I. RELATIONSHIPS BETWEEN LEGAL AUTHORITY FOR INTELLIGENCE ACTIVITIES AND THE CONDUCT OF FOREIGN POLICY

- o demarcation of jurisdictions
- o control
- o impact of authority upon domestic institutions - foreign impact
- o limits of intervention abroad
- o support of international organizations
- o liaison activities

II. POLICY SECTORS

[1] COLLECTION

OK, except compliance with IVth Amendment - damage, direct, indirect
See: Sources and methods.

[2] COVERT ACTION

Houston Report implications; Iran case before Supreme Ct this session

Ambiguity costs, benefits

Treaty obligations and the supremacy clause

Harcourt-Acheson v. rule of law

Amendment of 403(d)(5)?

Amendment of 403(d)(6) to require legal opinions of

(a) Legal Adviser to the Department of State; or

(b) Legal Adviser to the NSC

[3] MANAGEMENT — *PFIA B*

Formulate
IC Staff — *no legislative mandate*
Annual Rpt of DCI and Rules of Congress

[4] DECLASSIFICATION

Protection of sources and methods, revision of standards?

[5] INFORMATION FOR INTERNATIONAL ORGANIZATIONS

Mandate?

[6] PROTECTION OF SOURCES AND METHODS FROM UNAUTHORIZED DISCLOSURE

criminal v. equitable v. criminal + equitable by statute v.
criminal + limited equitable relief under contracts.

Other insecurities: international legal protection of satellite systems

[7] NEW FIELDS OF INTELLIGENCE

jurisdictional standards; mandates

[8] CONGRESSIONAL OVERSIGHT

amendment of Congressional rules - NSA precedents, JCAE precedents
law and criticism, *Zablocki proposal on Joint Committee*